SAMOA. No. 1 (1899).

3

CORRESPONDENCE

RESPECTING THE

AFFAIRS OF SAMOA.

REPORT OF THE JOINT COMMISSION.

Presented to both Houses of Parliament by Command of Her Majesty.
October 1899.

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on 31 October, 2019

Correspondence respecting the Affairs of Samoa.

Report of the Joint Commission.

No. 1.

The Marquess of Salisbury to Mr. Eliot.

Sir, *Foreign Office, April* 13, 1899.

THE events which have recently occurred in the Samoan Islands have engaged the serious attention of Her Majesty's Government, and have formed the subject of communications with the Governments of Germany and the United States, the Powers who, with Great Britain, were parties to the Final Act on the affairs of Samoa, signed at Berlin on the 14th June, 1889.

Malietoa Laupepa, who had been King of Samoa since 1889, died on the 22nd August last.

He was specially selected for the office by the Plenipotentiaries at Berlin, as explained in the 1st Article of the Final Act, with a view to the prompt restoration of peace and good order in the islands, and in view of the difficulties which would have surrounded an election in the disordered state of the Government which then existed.

As a general principle, however, the Act declared that the three Powers recognized the independence of the Samoan Government, and the free right of the natives to elect their Chief or King, and choose their form of government according to their own laws and customs. Further, by Article 3, section 6, it was provided that in case any question should arise in Samoa, respecting the rightful election of King, or of any other Chief claiming authority over the islands, or respecting the validity of the powers which the King or any Chief might claim in the exercise of his office, such question should not lead to war, but should be presented for decision to the Chief Justice of Samoa, who should decide it in writing, conformably to the provisions of the Act, and to the laws and customs of Samoa not in conflict therewith, and that the Signatory Governments would accept and abide by such decision.

After the death of Malietoa an exchange of views took place between the Powers, and it was agreed that there should be no interference with the right of the Samoans to elect a King, and that the election should proceed strictly in accordance with the provisions of the Final Act.

Some time elapsed before any action was taken, pending the completion of certain ceremonial usages customary in Samoa on the death of a High Chief.

Meanwhile, the natives from the various islands assembled in the neighbourhood of Apia, the capital.

As soon as the funeral ceremonies were at an end, deliberation and discussion among the Chiefs ensued. There were in the first instance several candidates for the succession. Their number was eventually reduced to two:

1. Malietoa Tanu, the son of the late King.
2. The High Chief Mataafa.

This Chief had been in rebellion against Malietoa Laupepa, but had suffered defeat, and with other Chiefs had been deported, by agreement between the three Powers, to the Marshall Islands. On the recommendation of the Consular officers at Apia, the Powers, in July 1898, consented to his return, the condition being his signature of a Protocol in the following terms:—

"I, Mataafa, now held at the Island of Jaluit, do solemnly promise, agree, and declare: That if I am permitted to return to Apia, Samoa, and there remain, I will at all times be and remain loyal to the Government of Samoa as established under the Berlin Final Act as concluded on the 14th June, 1889, and the Government as heretofore existing under King Malietoa Laupepa, and to the successor of the said King Malietoa, when chosen; that I will remain at Mulinuu, the present seat of the Samoan Government, and will not depart therefrom without the written consent of the Consuls of the three Treaty Powers; that I will not encourage or participate in any hostile action against the Government, nor will I permit my relatives or adherents to engage in any hostile action against the Government, and that I will to the best

of my ability uphold, aid, and support the Government as now established under the Treaty, and that I will use my influence to promote the peace of Samoa, and to strengthen the loyalty of the people towards the Government; and I agree that my return to Samoa and continued residence there shall depend upon my faithful performance of the conditions above named, and the wilful disregard of the conditions above named shall be sufficient cause for my removal from Samoa, or for other punishment."

On the 19th September, Mataafa and the other exiled Chiefs landed in Samoa. It does not appear that he took any overt steps to claim the vacant throne, but a section of the natives pronounced in his favour and announced on the 12th November to the Consuls and to the Chief Justice that he had been duly elected King.

On the 13th November the opposing faction declared that the real election of a King had not taken place, and on the following day announced that their choice had fallen upon Malietoa Tanu.

Both parties appealed to Mr. Chambers, the Chief Justice, who considered himself then in a position to take cognisance of the matter, according to the provisions of the Final Act, a question having arisen "in Samoa respecting the rightful election or appointment of King."

Communications with the Chiefs on either side occasioned some further delay, and it was not until the 19th December that the investigation was opened. Both candidates were represented by European Counsel, and witnesses on either side were exhaustively examined-in-chief and cross-examined. Oral argument followed, each party being permitted all the time requested by them.

On the last day but one of the trial a copy of the Protocols and Final Act of the Berlin Conference was submitted in evidence for the purpose of proving that Mataafa was excluded from the Kingship as long as the Act was in force and unchanged.

This contention was based on the statement made by Count Bismarck, at the fifth sitting of the Conference, that, while accepting the principle that the Samoans should have the right of freely electing their King, he was bound to make one exception, in the person of Mataafa, on account of the outrages committed by his people, and under his authority, upon dead and wounded German sailors lying on the field of action.

The outrages to which Count Bismarck made allusion occurred in December, 1888, during hostilities between two rival factions in Samoa. A detachment of marines from the Imperial ship "Olga," which had been landed to protect the German plantations, was on that occasion attacked and more than fifty officers and men were killed and wounded.

The decision of the Chief Justice was given on the 31st December. Referring to the veto placed upon Mataafa, in 1889, he stated:—

"Had this question arisen in the first stages of the investigation, and it had been thought wise to make a decision thereon, much time and labour might have been saved, but it would not have been decided at any time before the conclusion of the case as originally outlined for the good reasons—

"1. That the defeated contestant and his followers would have justly felt that they had not been permitted the investigation that they asked for, and which had been promised them by the Chief Justice; and

"2. Because the contest presented the first, possibly the last, and unquestionably the most favourable opportunity for a thorough inquiry and judicial ascertainment of the laws and customs of Samoa relating to the choice of a King.

"No question or doubt as to the eligibility of Mataafa to the Kingship of Samoa had been entertained until after the beginning of this investigation, and it was not seriously considered until it formally arose during the last two days of the investigation."

In conclusion, he declared:—

"As the Judicial Officer, nominated by the three Signatory Powers, agreed to and commissioned by the Government of Samoa, and thus designated by them all to decide this question and appealed to by the contestants, I cannot throw off the obligation to obey the plain and emphatic declaration of the framers of the Treaty when they declare that one exception must be made amongst all the people of Samoa from eligibility to the Kingship. It is plainly stated by one of the Powers represented in the Conference, as a condition precedent to its consent to the principle of the election of a King, that there must be one exception. That exception is mentioned in the person of Mataafa. Reasons were given for making the exception which not only commended themselves to the other Plenipotentiaries and commanded their assent, but appealed to the highest instincts of universal humanity.

"As long as this condition remains in the Protocol, and until it is stricken out or altered by the same Powers that placed it there, a Judicial Officer, whose right to exercise the functions of his office depends upon the same Treaty and Protocols, cannot give any interpretation to Article I than that so manifestly and mandatorily stated in the Protocols of the fifth session of the Conference.

"It is therefore decided that Mataafa, because of his ineligibility, has not been rightfully elected or appointed King of Samoa conformably to the provisions of the Berlin Treaty; it is therefore unnecessary to discuss at this time whether there has been a compliance with the laws and customs of Samoa not in conflict therewith in connection with his alleged election.

"It is furthermore decided that Malietoa Tanumafili, being the only candidate for the Kingship eligible thereto, whose election has been reported to the Chief Justice, and who is the contestant and claimant in this proceeding for the office, is elected King of Samoa, and this decision is made in writing conformably to the provisions of the Berlin Act, and to the laws and customs of Samoa not in conflict therewith."

The adherents of Mataafa refused to accept the decision of the Chief Justice, and a serious conflict, involving loss of life, occurred. The followers of Malietoa Tanu were defeated, a large number sought the protection of Her Majesty's ship "Porpoise" which together with the Imperial German vessel of war "Falke" was, and had been for some time previously, lying in the harbour of Apia. Malietoa Tanu himself, Tamasese his principal supporter, and Mr. Chambers, the Chief Justice, were granted asylum on board Her Majesty's ship.

Much destruction and pillage of native property is reported to have taken place and some damage to the property of Europeans also occurred.

Repeated conferences were held between the Consuls of the three Powers, the Naval Commanders, the Chief Justice, and the President of the Municipal Council of Apia.

On the 4th January it was decided to establish a Provisional Government, and the following Proclamation was issued :—

"Owing to the events of the last days, and to the urgent necessity to establish a strong Provisional Government of Samoa, we, the undersigned Consular Representatives of the three Treaty Powers, declare as follows:—

"1. The Mataafa party, represented by the High Chief Mataafa and the following thirteen Chiefs: Lemana, Morfaano, Lanaki, Toelupe, Molioo, Fue, Laufa, Antagavaia, Asiata, Leiatana, Tufuga, Leiato, and Suatele, who lately acted on behalf of said party, and who are now in *de facto* possession of the Samoan Government, are recognized to be the Provisional Government of Samoa pending instructions from the three Treaty Powers.

"2. The President to be the Executive Head Officer of the said Provisional Government.

"3. Nothing in this Proclamation shall be taken as modifying or abrogating the rights and privileges of the three Treaty Powers in Samoa either individually or collectively, or of their Consular Representatives as now existing.

"Given at Apia, this 4th day of January, 1899.

(Signed) "ROSE, *Imperial German Consul-General.*
"L. W. OSBORN, *United States' Consul-General.*
"ERNEST G. B. MAXSE, *Her Britannic Majesty's Consul.*"

Owing to the grave position of affairs Her Majesty's ship "Royalist" was ordered to proceed to Apia, and on the 6th March the United States' ship "Philadelphia," carrying the flag of Admiral Kautz, arrived there.

Further disturbances have unfortunately occurred. The intelligence having only been received by telegraph from Her Majesty's Consul full details are wanting, but the serious character of the outbreak is evident from the fact that Apia was bombarded by the "Philadelphia," Her Majesty's steam-ship "Porpoise" and "Royalist" joining, that parties landed from those vessels came into collision with the natives, and that three British sailors and one American lost their lives.

It has thus become evident that, from whatever cause, the local officials have for the time become incapable of restraining the native population, that the institutions founded on the Berlin Act are threatened, and that the interests of the European residents, no less than those of the natives, are imperilled.

The difficulty of arriving at any definite solution is greatly enhanced by the conflicting evidence which such events not unusually elicit, and by the fact that in consequence of the absence of direct telegraphic communication with Samoa it is impossible to make timely provision for the various contingencies as they arise. Her Majesty's Government and the Governments of Germany and the United States, considering it imperative to adopt prompt measures to remedy the disorder which prevails and to prevent, if possible, any recurrence of conflict, have therefore determined to send Commissioners at once to Samoa for that purpose; and I have to inform you that, with the Queen's approval, you have been selected to be British Commissioner, and I inclose Her Majesty's commission appointing you in that capacity.

I inclose to you a copy of a Memorandum which has been accepted by the three Powers, and which will sufficiently indicate to you the nature of the duties you will have to perform, and the extent of the authority under which you will act.

Her Majesty's Consul at Apia will be informed of the decision taken by the Powers, and will be instructed during your Mission to consider himself subordinate to you.

I am, &c.

(Signed) SALISBURY

Inclosure in No. 1.

Memorandum.

IN view of the troubles which have recently taken place in Samoa. and for the purpose of restoring tranquillity and order therein, the Three Powers, parties to the Conference of Berlin, have appointed a Commission to undertake the provisional Government of the islands.

For this purpose they shall exercise supreme authority in the islands. Every other person or persons exercising authority therein, whether acting under the Final Act of Berlin or otherwise, shall obey their orders; and the Three Powers will instruct their Consular and Naval Officers to render similar obedience. No action taken by the Commissioners in pursuance of the above authority shall be valid unless it is assented to by all three Commissioners.

It will fall within the attributions of the Commissioners to consider the provisions which they may think necessary for the future Government of the islands, or for the modification of the Final Act of Berlin, and to report to their Governments the conclusions to which they may come.

No. 2.

The Commissioners to the Marquess of Salisbury.—(*Received August* 19.)

My Lord, *Apia, Samoa, July* 18, 1899.

WE have the honour to submit herewith to the consideration of our three Governments the inclosed draft of a modified and amended version of the Act of Berlin.

In preparing these modifications and amendments our method has been to consider, first, what are the evils which have caused the recent troubles in Samoa, and the generally unsatisfactory condition of the islands; and, secondly, what are the measures most likely to remove or minimize those evils.

The chief evils may be, in our opinion, grouped under four heads:—

1. Those which appear to inevitably attend the election of a King in Samoa, and his subsequent efforts to exert his authority.

2. Those which are due to the rivalry of the foreign nationalities between themselves, and to their disposition to take sides in the native politics and thus increase the importance and bitterness of the disputes which arise.

3. A third class of evils have their origin in the fact that for many years there has been no law or Government in Samoa other than native custom outside the limits of the Municipality. Murder and other serious crimes have remained unpunished when committed by persons of rank, and the Supreme Court and the nominal Government at Mulinuu have been equally powerless to exert any controlling force.

4. The insufficient enforcement of the Customs Regulations has allowed unscrupulous traders to distribute large numbers of arms among a native population rent by political factions and ready to fight both one another and Europeans.

To meet the first of these evils we have temporarily abolished the Kingship, and recommend that it be permanently abolished. The action which we have taken in the matter does not appear to have aroused any hostile feeling among the natives.

No doubt many great Chiefs regret that they will no longer have an opportunity of gratifying their ambitions and indulging that passion for rank and ceremony which is innate in the breast of every Samoan.

But even the Chiefs have acquiesced in the change; some of the most important have stated that they think it is for the good of Samoa, and we believe that the mass of the population, unless worked upon by extraneous influences (which is unhappily not impossible), will assent to the abolition without a murmur and without regret.

Every white man—German, English, and American alike—who has given evidence before the Commission (with the exception of one or two lawyers who had private interests in the case) has recommended the Commission to do away with the Kingship, and we may also refer to the opinion of Sir E. Malet, recorded in the Protocols of the Conference of Berlin, and of Mr. Bates in his Report on Samoa.

It seems impossible to say of the office any good whatever. It is comparatively modern as an institution. It served no useful purpose.

In recent years at any rate the King had no authority or practical power to even collect taxes beyond the limits of the Municipality, and within those limits his authority was superfluous. The greater part of the population was for all intents and purposes in permanent rebellion against him, and the mere fact that orders were issued through him was liable to provoke disobedience in many districts.

Further, it seems impossible to devise any plan by which an undisputed or even peaceful succession can be secured. The Kingship depends on the grant of certain titles by certain districts. They are in the gift not of the whole population but of small bodies of electors who owe their position to their rank. Even among these electors the principle that the majority of the vote bestows the title is not accepted and the gist of all the "laws and customs of Samoa" is that there is nothing to prevent two candidates from being duly elected King at the same time.

Formerly the claims of such rivals were decided by force of arms, but the framers of the Act of Berlin, who evidently thoroughly understood Samoan custom and practice in this matter, laid down that "questions respecting the rightful appointment of King shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa." Recent experience has unhappily proved that an attempt to settle the question this way also leads to war, and we are therefore strongly of opinion that the only chance of preventing such dissensions in the future is to abolish the office which provokes them.

In the place of the Kingship, we propose to create a system of native Government analogous to that which works successfully in Fiji. The islands will be divided into certain administrative districts (corresponding as near as possible with those recognized by Samoan usage), for each of which a Chief will be responsible, and these Chiefs will meet annually at Apia in a Native Council to discuss such matters as interest them, and make recommendations to the Administrator and Council.

Native Courts will be allowed to punish minor crimes according to native law and customs, and every provision has been made to secure to the Samoan population complete independence and self-government. We fear, however, that the same causes which produced rival Kings will long continue to produce rival Chiefs, who will claim the post of Provincial Governor, and create continual dissension.

To guard against this danger, we have made a provision in Article 3 which empowers the Administrator to himself appoint the Provisional Governor in case any dispute should occur.

Perhaps the evils which it is least easy to cure are the second class—those which arise from the rivalry and mutual hostility of the different nationalities.

This hostility permeates all departments of life. The traders on one side combine against those on the other. The Municipal Council is divided into two parties, each determined to support its own programme, and defeat that of the other.

Proposed reforms and measures are judged not on their merits, but by party considerations, and officials, however impartial they may wish to be, are considered to belong to one side or the other according to their nationality, and inevitably end by becoming more or less partisans.

From the very commencement of the late contest for the Kingship, it was no mere native quarrel between Mataafa and Tanu. On the one side were ranged one foreign nationality and its officials, and on the other side two other nationalities with their officials, and the contest was prolonged, and not allowed to reach its natural termination.

We do not think it will ever be possible to do away with this state of things under a tripartite Administration, and we take this opportunity of recording our opinion that the only natural and normal form of government for these islands, and the only system which can assure permanent prosperity and tranquillity, is a Government by one Power. We regard it, however, as beyond our province to make any but a general statement on such a subject, and we have endeavoured to amend existing arrangements in such a manner that they may prove, if not entirely satisfactory, at least workable.

We propose to introduce an element of unity and centralization into the Government by the appointment of an Administrator, who will doubtless be chosen from some disinterested Power. He will be assisted by a Council of Delegates from the three Governments, who might exercise such Consular functions as are necessary in Samoa. We propose to give this Administrator a large measure of authority, which, if exercised by a just and capable man, should enable him to put an end to many disputes.

We propose that the Administrator and the three Delegates should form a Legislative Council, and we have introduced into the Act several clauses giving them power to modify existing Laws and Ordinances.

We are of opinion that the original Act of Berlin was drafted and has been construed

in too rigid a manner, and that greater elasticity in its provisions would have a beneficial effect.

We have, therefore, empowered the Council to make such alterations as it may think fit in the boundaries of districts, the details of native Government, and other matters enumerated in the proposed Amended Act.

Thirdly, we hope to create a greater harmony among the white residents by abolishing Consular jurisdiction. We believe that in other parts of the world such jurisdiction prevails only where the laws of a country are for religious or other reasons not suitable for application to foreigners. But the Chief Justice of Samoa is an American or European, and administers American or European law. It would appear, therefore, that there is no reason why he should not take cognizance of all suits brought against foreigners, nor why foreigners should enjoy privileges of extra-territoriality except that of not being amenable to the jurisdiction of Native Courts, which will deal only with such matters as are decided according to native custom. Hitherto, Consular jurisdiction has been a powerful means of embittering international strife in Apia. Each nationality has had its own law, and the Consul who administered that law was popularly regarded, not as an impartial Judge, but as the protector of his own nationality.

We believe that by abolishing this outward sign of separate national institutions and by submitting all nationalities to one Court and one law, a great advance will be made in the direction of removing petty rivalries and jealousies and restoring good relations between the various white colonies.

The third class of evils arises from the lawlessness now prevailing in Samoa outside the Municipality. For many years there has been no law in these districts, and native institutions permitted Chiefs to commit crimes with impunity. Murder, theft, and other offences were left unpunished, and trade suffered owing to the difficulty of affording planters adequate legal protection in their dealings with the aborigines. We hope to improve this state of things by giving the Chief Justice an enlarged jurisdiction over all the islands, so as to include all cases between natives and foreigners as well as the higher grade of crimes committed by natives against each other.

To lighten the work of the Supreme Court we have made the Municipal Magistrate a Court of First Instance within the limits of the Municipality.

Fourthly, we have felt it our duty to deal somewhat severely with the importation of arms and ammunition into Samoa. The prohibition existing in the Treaty has become a dead letter; the management of the customs has been exceedingly lax, having been largely in the hands of merchants who naturally found it convenient to have easy Regulations.

Private commercial houses have been allowed to discharge goods direct into their own receiving sheds without any examination, and, though we make no specific accusations, it is clear that there can have been no difficulty in introducing large quantities of arms, and that arms were so introduced.

We therefore feel it essential that the Customs Regulations should be stringently enforced under the supervision of the Administrator, and that adequate customs accommodation with an adequate staff shall be provided with as little delay as possible.

The amendments to the Treaty of Berlin, which are herewith submitted for the consideration of the Great Powers, have been determined upon after consultation with all the leading white inhabitants of Apia and after conferences with all the leading Chiefs on the islands.

The Commission visited every district of the islands in person, and held meetings of the natives, brought about reconciliations between the Tanu and Mataafa factions, and learned the views of the people in regard to the forms of native government most acceptable and best adapted to their requirements.

The Commission, thereafter, on the 14th July, 1899, so soon as it had formulated its views and determined upon the amendments necessary and proper to be made, called a meeting of all the leading and common Chiefs of both the Malietoa and Mataafa factions at Apia, at which meeting about 450 Chiefs of all rank were present, and the Commissioners there explained the general propositions contained in the proposed amendments, and the same were then and there agreed to and unanimously adopted, and thirteen Chiefs from either side were selected to ratify and adopt such proposed amendments by affixing their names thereto, and their names will be found appended to the copy of the Amended General Act which is herewith submitted.

We have, &c.

(Signed) C. N. E. ELIOT.
BARTLETT TRIPP.
H. STERNBURG.

Inclosure in No. 2.

Draft of Amended Act.

ARTICLE I.

A Declaration respecting the Neutrality of the Island of Samoa, and assuring to the respective Citizens and Subjects of the Signatory Powers equality of Rights in said Islands, and providing for the immediate restoration of Peace and Good Order therein.

IT is declared that the islands of Samoa are neutral territory, in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. None of the Powers shall exercise any separate control over the islands or the Government thereof.

It is further declared with the view to the permanent restoration of peace and good order in the said islands, and in view of the difficulties which have always attended the selection of a King and the maintenance of his authority against the frequent rebellions incited by the rival Chiefs, that the office and title of King is, and for ever shall be, abolished in Samoa, and that the authority of Chiefs therein shall hereafter be limited to the district in which it may be recognized as hereinafter provided.

ARTICLE II.

A Declaration respecting the Modification of existing Treaties.

Considering that the following provisions of this General Act cannot be fully effective without a modification of certain provisions of the Treaties heretofore existing between the three Powers respectively, and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provisions of such Treaty or Treaties, the provisions of this Act shall prevail.

ARTICLE III.

A Declaration as to Executive Powers.

The executive powers shall be vested in an Administrator of Samoa, who shall be appointed by the three Signatory Powers in common accord, or, failing their agreement, by the King of Sweden and Norway.

He shall receive an annual salary of 6,000 dollars in gold, or its equivalent, to be paid out of the revenues of the Samoan Government. Any deficiency therein shall be made good by the three Powers in equal shares.

The Administrator shall execute all laws in force in the islands of Samoa. He shall have power to grant reprieves and pardons for offences against the Government of Samoa. He shall have power, by and with the consent and advice of the Executive Council, to appoint all officers whose appointment is not herein otherwise provided for. He shall have power to fill all vacancies in office temporarily and until appointments to such offices shall have been regularly made, and to designate persons to act in place of officers temporarily absent from Samoa.

It shall be the duty of the Administrator, by and with the consent of the Executive Council, to divide the islands of Samoa, outside of the Municipal District of Apia, into a suitable number of districts, which may from time to time be increased or decreased in size and number, as deemed advisable, and in each district to appoint a Governor, who shall be charged with the collection of all taxes and with the maintenance of peace and good order within the district.

The Governors shall hold their office for a term of three years; they may be reappointed at the expiration of the term, and they may at any time be removed by the Administrator for misbehaviour. They shall be appointed on the nomination of the natives of their districts; but should the natives fail to agree upon a nomination, the Administrator shall appoint such Chief of the district as he thinks fit.

The Local Government of such districts shall be left, so far as may be, to be

administered by the natives themselves, in accordance with the laws and customs of Samoa.

ARTICLE IV.

A Declaration as to Legislative Powers.

1. The legislative power shall be vested in the Administrator and Legislative Council. The Council shall consist of three members, one of whom shall be appointed by the United States, one by the Empire of Germany, and one by the United Kingdom of Great Britain and Ireland.

The Administrator and Council shall constitute a legislative body, of which the Administrator shall be the President.

He shall have a voice in considering and a vote in determining all questions that may come before it.

Three of the four members composing the Legislative Body shall constitute a quorum for the transaction of business: Provided, however, that no law shall be enacted, and that no rule or regulation having the force of law shall be made without the concurrence of at least three members in open Session.

The legislative power of the Administrator and Council shall extend to all rightful subjects of legislation, and in particular they shall have power to levy and collect such taxes, duties, imposts, and excises as may be necessary for the public revenues, and for this purpose they shall have power to change and modify the taxes, duties, imposts and excises provided for in this Act.

They shall have power to establish post-offices, post roads, and a uniform postal system. They shall have power to establish Municipal and District Governments, and to limit and define their powers.

But the three Great Powers reserve to themselves at all times the right and power to modify or annul any legislative act of the Samoan Government.

2. The members of the Legislative Council shall also constitute an Executive Council, which shall from time to time counsel and advise the Administrator in his executive capacity, as may be required.

The members of the Legislative and Executive Councils shall also, when designated by the Administrator, act in the capacity of Assessor and Collector of Customs and Revenues, Treasurer, Attorney-General, and such other executive officers of the Government as may be provided for.

They may also, if required, act in the capacity of Consuls or Consular Agents of their respective Governments.

3. There shall be a Native Assembly, composed of the Governors of the different districts of the islands. The members of the Native Assembly shall hold their office for three years, but the Administrator shall have power to dismiss any of them for misbehaviour. The Native Assembly shall meet annually at Mulinuu at such time as may be designated by the Administrator, but such Session shall not continue for a longer time than thirty days in any one year, except for reasons approved by the Administrator. The Native Assembly shall be presided over by the Chief Justice or some other white official designated by the Administrator, but the President so designated shall not have a vote, and his functions shall be merely to control and direct the proceedings of the Assembly with a view to the dispatch of business. The Native Assembly shall be empowered to deal with all questions concerning district government, including Native Courts, and with all matters which affect natives only. Its Resolutions and recommendations shall be referred to the Administrator and Legislative Council, who shall approve, disapprove, or return them, with such modifications as they may deem proper: Provided always that no Resolution or other action of the Native Assembly shall have any binding force or effect until the same shall have been approved by the Administrator and Legislative Council.

ARTICLE V.

A Declaration respecting the Establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.

Section. 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a clerk and all necessary officers of the Court; and record shall be kept of all orders and decisions made

by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The clerk and other officers shall be allowed reasonable fees to be regulated by order of the Court.

Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be appointed by the three Signatory Powers in common accord, or, failing their agreement, he may be appointed by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

His decision upon questions within his jurisdiction shall be final. The three Powers, however, reserve to themselves the right to modify or annul decisions of the Supreme Court involving any question of a political or administrative character or principle of international law. He shall receive an annual salary of 5,000 dollars in gold, or its equivalent, to be paid out of the revenues of the Samoan Government. Any deficiency therein shall be made good by the three Signatory Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause and during any temporary absence of the Chief Justice from the islands of Samoa, shall be exercised by such person as may be designated by the Administrator.

Sec. 3. In case any of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and, if in the judgment of such authority there is sufficient cause for his removal, he shall be removed. If the majority of the three Treaty Powers so request, he shall be removed. In case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Chief Justice is authorized at his own discretion, and upon the written request of either party litigant, to appoint Assessors or jurors not exceeding three in number nor of the nationality of either party to hear and determine any issue of fact arising in the case.

Sec. 5. In case any difference shall arise between either or any of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 6. The Chief Justice may recommend to the Government of Samoa the passage of any Law which he shall consider just and expedient for the prevention and punishment of crime, and for the promotion of good order in Samoa and the welfare of the same.

Sec. 7. The Supreme Court shall have original and final jurisdiction of—

1. All questions arising under the provisions of this Amended General Act.

2. All civil suits concerning real property situated in Samoa, and all rights affecting the same.

3. All civil suits of any kind between natives and foreigners or between foreigners, irrespective of their nationality.

4. All crimes and offences committed by natives against foreigners, by foreigners against natives, or by foreigners against each other, irrespective of nationality, except violations of Municipal Ordinances and Regulations of which the Municipal Magistrate is given jurisdiction.

5. Of all felonies committed by natives against each other.

Sec. 8. The Supreme Court shall have appellate jurisdiction over all Municipal Magistrates and Municipal Courts in civil cases where the amount of the judgment rendered exceeds 10 dollars, and in criminal cases where the fine exceeds 20 dollars or the imprisonment ten days.

Sec. 9. The practice and procedure of common law, equity, and Admiralty, as administered in the Courts of England, may be, so far as applicable, the practice and procedure of this Court; but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. Until otherwise provided by law, the Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate; or, in the case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

Sec. 10. Nothing in this Article shall be so construed as to affect existing Consular jurisdiction over all questions arising between masters and seamen of their respective

national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court. The Supreme Court shall have power to issue writs of injunction, attachment, mandamus, and other remedial writs known to the Common Law. The writ of *habeas corpus* shall not be suspended except in time of actual war.

Sec. 11. The Legislative Council shall have power to create and provide such other and inferior Courts and judicial Tribunals in Samoa, as from time to time may be found necessary and proper, provided that the jurisdiction of the Courts and judicial Tribunals so created shall not extend to civil cases involving an amount or property exceeding in value 50 dollars, nor to criminal cases where the penalty exceeds a fine of 200 dollars or imprisonment for a longer term than 180 days.

Sec. 12. The Chief Justice shall hold the terms of the Supreme Court in Apia, and at such other places in the islands of Samoa as in his discretion may be necessary and proper.

ARTICLE VI.

A Declaration respecting Titles to Land in Samoa, and restraining the Disposition thereof by Natives; and providing for the Registration of valid Titles.

Section 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

(*a.*) Town lots and lands within the limits of the Municipal District as defined in this Act, may be sold or leased by the owner for a just consideration when approved in writing by the Chief Justice of Samoa.

(*b.*) Agricultural lands in the islands may be leased for a just consideration and with carefully defined boundaries for a term not exceeding fifty years, when such lease is approved in writing by the Chief Executive authority of Samoa and by the Chief Justice. But care should be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

Sec. 2. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa, which are or may be owned by foreigners or natives.

Sec. 3. All lands acquired before the 28th day of August, 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired—but without prejudice to rights of third parties—if purchased from Samoans in good faith, for a valuable consideration in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Court.

ARTICLE VII.

A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor, and defining the Jurisdiction of the Municipal Magistrate.

Section 1. The Municipal District of Apia is defined as follows: beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa, thence following the course of the river upwards to a point at which the Alafuala road crosses said river, thence following the line of said road to the point where it reaches the River Vaisinago, and thence in a straight line to the point of beginning at Vailoa, embracing also the waters of the harbour of Apia. Provided, that the Administrator and Council shall have power to interpret, limit, and define the boundary of the municipal district of Apia.

Sec. 2. Within the aforesaid district shall be established a Municipal Council consisting of six members and a Mayor, who shall preside at all meetings of the Council, and who shall, in case of unequal division, have a casting vote. The Mayor shall be appointed by the Municipal Council with the approval of the Administrator.

In case the Municipal Council shall be unable to come to an agreement they shall submit to the Administrator the names of the candidates whom they recommend for the office of Mayor, and the Administrator shall choose the Mayor from among them.

The Mayor and Councillors shall be residents of the said district, and owners of real estate, or conductors of a profession or business in said district which is subject to a rate of tax not less in amount than 5 dollars per annum.

For the purpose of the election of members of the Council the said district shall be divided into three electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election. It shall be the duty of the Administrator to make the said division into electoral districts as soon as practicable.

Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by Municipal Ordinance, subject to reference to the Administrator as hereinafter provided.

The Mayor shall hold his office for one year, and until his successor shall be elected and qualified.

The Councillors shall hold their office for a term of two years, and until their successors shall be elected and qualified.

In the absence of the Mayor the Council may elect a Chairman *pro tempore*.

Consular officers shall not be eligible as Councillors or Mayor, nor shall Councillors or Mayor exercise any Consular functions during their term of office.

Each member of the Municipal Council, including the Mayor, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath or affirmation that he will well and faithfully perform the duties of his office.

Sec. 3. The Municipal Council shall have jurisdiction over the Municipal district of Apia, so far as necessary to enforce therein the provisions of this Act which are applicable to the said district, including the nomination of a Municipal Magistrate, who shall be appointed in the same manner as the Mayor. The Council shall also have power to appoint all necessary subordinate officers of justice and of administration in the said district, and to provide for the security of person and property therein; and to assess such municipal rates and taxes as they may agree upon, and to provide proper fines and penalties for the violation of the Laws and Ordinances which shall be in force in said district, and not in conflict with this Act, including Sanitary and Police Regulations.

They shall establish pilot charges, port dues, Quarantine and other Regulations of the port of Apia. They shall also fix the salary of the Municipal Magistrate, and establish the fees and charges allowed to other municipal officers of the district.

All Ordinances, Resolutions, and Regulations shall be referred by the Municipal Council to the Administrator, who shall express his consent or disapproval, or suggest amendments. Provided always that no Ordinances, Resolutions, and Regulations passed by this Council shall become law before receiving the approval of the Administrator.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any Laws, Ordinance, or Regulation passed by the Municipal Council, in accordance with the provisions of this Act; and of all misdemeanors committed within the Municipal District of Apia, provided that the penalty does not exceed a fine of 200 dollars, or imprisonment for a longer term than 180 days with or without hard labour. The Municipal Magistrate shall also have jurisdiction within the Municipality of Apia in all civil suits not affecting the right of real property between natives and foreigners, or between foreigners irrespective of nationality where the value of the property or the amount involved does not exceed the sum of 50 dollars.

Sec. 5. The Mayor shall superintend the Harbour and Quarantine Regulations, and shall be in charge of the administration of the Laws and Ordinances applicable to the Municipal District of Apia.

Sec. 6. The Administrator and Council shall fix an annual sum to be paid out of the revenues of the island to the Municipal Council for the expenses of the Municipal Government and the execution of public works.

ARTICLE VIII.

A Declaration respecting Taxation and Revenue in Samoa.

Section 1. Until further provided by law, the port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandize landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by Treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such Treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected :—

		Dol. c.
(A.) Import Duties.		
1. On ale and porter and beer	Per doz. qts..	0 50
2. On spirits	Per gallon ..	2 50
3. On wine, except sparkling	,, ..	1 00
4. On sparkling wines	,, ..	1 50
5. On tobacco	Per lb. ..	0 50
6. On cigars	,, ..	1 00
7. On sporting arms	Each ..	4 00
8. On gunpowder	Per lb. ..	0 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid	*Ad valorem* ..	2 per cent.
(B.) Export Duties.		
On copra	*Ad valorem* ..	2½ per cent.
On coffee	,, ..	2 ,,
On cotton	,, ..	1½ ,,
(C.) Taxes to be annually levied.		
1. Capitation tax on Samoans and other Pacific Islanders over the age of 18 and under the age of 45 years, not included under No. 2 ..	Per head ..	2 00
2. Capitation tax on coloured plantation labourers, other than Samoans	,, ..	2 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property)	Each ..	4 00
4. On fire-arms	,, ..	2 00
5. On dwelling-houses (not including the dwelling-houses of Samoan natives) and on land and houses used for commercial purposes .. .	*Ad valorem* ..	1 per cent.
6. Special taxes on traders as follows—		
Class I—		
On stores of which the monthly sales are 2,000 dollars or more	Each store ..	100 00
Class II—		
Below 2,000 dollars and not less than 1,000 dollars	,, ..	48 00
Class III—		
Below 1,000 dollars and not less than 500 dollars	,, ..	36 00
Class IV—		
Below 500 dollars and not less than 250 dollars	,, ..	24 00
Class V—		
Below 250 dollars	,, ..	12 00
(D.) Occasional Taxes.		
1. On trading vessels not exceeding 100 tons burden calling at Apia	Each call ..	10 00
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid ..	..	½ per cent.
3. Upon other written transfers of property, upon the selling price	..	1 ,,
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title paper, or otherwise by the written receipt of the proper tax collector.		
4. Unlicensed butchers in Apia shall pay upon their sales	..	1 ,,
(E.) Licence Taxes.		
No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a licence therefor, and for such licence the following tax shall be paid in advance :—		
Tavern-keeper	Per month ..	10 00

		Dol. c.
Attorney, barrister, or solicitor	Per annum ..	60 00
Doctor of medicine or dentistry	,, ..	30 00
Auctioneer or commission agent	,, ..	40 00
Baker	,, ..	12 00
Banks or companies for banking	,, ..	60 00
Barber	,, ..	6 00
Blacksmith	,, ..	5 00
Boat builder	,, ..	6 00
Butcher	,, ..	12 00
Cargo-boat or lighter	,, ..	6 00
Carpenter	,, ..	6 00
Photographer or artist	,, ..	12 00
Engineer	,, ..	12 00
,, assistants	,, ..	6 00
,, apprentices	,, ..	3 00
Hawker	,, ..	1 00
Pilot	,, ..	24 00
Printing press	,, ..	12 00
Sail-maker	,, ..	6 00
Ship-builder	,, ..	6 00
Shoemaker	,, ..	6 00
Land surveyor	,, ..	6 00
Tailor	,, ..	6 00
Waterman	,, ..	6 00
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month	,, ..	3 00
Same, when paid over 75 dollars a-month ..	,, ..	6 00
White labourers and domestics, per head ..	,, ..	5 00
Factory hands and independent workmen ..	,, ..	5 00

Sec. 3. It is understood that "dollars" and "cents," terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

ARTICLE IX.

A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.

Section 1. The importation into the Islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens and subjects of any foreign country, is prohibited, except in the following cases:—

(*a.*) Guns and ammunition for sporting purposes, for which written licence shall have been previously obtained from the Administrator.

(*b.*) Small arms and ammunition carried by travellers as personal appendage.

The supply of arms and ammunition by any foreigner to any native Samoan subject or other Pacific islander resident in Samoa is prohibited.

The penalty for so supplying arms shall be a fine not exceeding 2,500 dollars, or a term of imprisonment not exceeding two years, or both, in the discretion of the Court, and the arms shall be confiscated. Half the fine shall go to the informer.

Any native found in the possession of arms or ammunition other than such as are used for sporting purposes shall be liable to a fine not exceeding 200 dollars, and a term of imprisonment not exceeding six months, or both in the discretion of the Court, and the arms shall be confiscated. Half the fine shall go to the informer.

The Samoan Government retains the right to import free of duty suitable arms and ammunition to protect itself and maintain order.

All arms without exception coming into Samoa shall be entered at the Customs and marked there with a stamp, and the possession by any Samoan or foreigner of any arms not so stamped shall be *primâ facie* evidence that such arms were imported in violation of law.

The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of arms in Samoa.

Sec. 2. No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any Samoan or South Sea Islander resident in Samoa to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this section shall be established by the Administrator and Council.

General Customs Regulations.

Sec. 3. It is hereby provided that no person or persons in Samoa shall enjoy any immunity from a strict examination by the Customs of all articles imported. All goods shall be landed at the receiving sheds of the Customs. The Administrator and Council are authorized to enact Laws and Ordinances providing for Custom-house Regulations, with suitable penalties for breach of the same.

ARTICLE X.

The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers, with the adherence of Samoa: Provided, however, that no amendment of any section or Article of this General Act shall in any way affect private rights acquired under such section or Article prior to such amendment.

Agreement signed by Chiefs, July 15, 1899.

IN evidence of our approval and ratification of the foregoing Amended General Act pertaining to the Government of Samoa, we, the High Chiefs, and the Chiefs constituting the district Governments of the Islands of Samoa, have thereunto affixed our hands and seals at Apia, on the Island of Upolu, this 15th day of July, 1899.

(Signed) SUATELE (Safata).
LEMANA (Aana).
MOEFAAUO (Lufilufi).
LAUFA (Safotu).
TUFUGA (Asau).
TOELUPE (Malie).
SALU (Palauli).
ASIATA (Satupaika).
FUE (Saleaula).
MOLIOO (Faleapuna).
LAUATI (Safotulafai).
LEIATAUA (Manono).
TALAMAIVAO (Fagaloa).
LUPETULOA (Tuamasaga).
FATA, his × mark (Tuamasaga).
UTUMAPU (Itu-o-Tane).
NIA (Itu-o-Tane).
PERE (Tutuila).
LEOSO (Tutuila).
TAGALOA (Atua).
TUIAI (Atua).
SAU, his × mark (Manono).
PAULI, ditto (Faasaleleaga).
LEAUANAE (Faasaleleaga).
TOLOVAA (Itu-o-Fafine).
TUITAMA (Aana).

(Signed) MALIETOA TANUMAFILI.
TUPUA TAMASESE.

(Signed) ALLEN WILLIAMS,
Interpreter.

July 17, 1899.

We hereby signify that we witnessed the signatures of Malietoa Tanumafili and Tupua Tamasese. The written document having been explained, read, and interpreted to them, and they appearing to understand the meaning of the same.

(Signed) HAMILTON HUNTER,
Acting British Consul.
LESLIE C. STUART,
Captain, R.N.
W. JOHNSTON,
British Consular Clerk.

July 17, 1899.

No. 3.

Mr. Eliot to the Marquess of Salisbury.—(*Received September* 7.)

My Lord, *Apia, Samoa, July* 26, 1899.

I HAVE the honour to submit to your Lordship the following brief continuous narrative of the proceedings of the Samoan High Commission: —

We arrived at Apia on the United States' ship "Badger" on the 13th May, and found the island of Upolu divided into two hostile camps. Apia and the central region were occupied by the troops of Malietoa, under the superintendance of British naval officers, while on either side to the west and east of this area were the troops of Mataafa. We were naturally anxious to restore the island to its normal condition, and to break up these camps, but the operation presented considerable difficulties. It would have been a doubtful advantage to simply disband the troops of both parties, and disperse large bodies of armed men among the villages where they were likely to continue their quarrels and be subject to no European control. One of the greatest difficulties in Samoa is that, outside the narrow limits of the municipality, there is absolutely no power, police or other, which is capable of maintaining order, and, though the Commission was nominally invested with supreme authority over the islands, it had no means of enforcing that authority.

The German Commissioner felt unable to consider the questions of who was the rightful King of Samoa, and whether the continuance of the Kingship was desirable as long as the forces of Malietoa and Mataafa remained under arms in their camps, and we therefore decided to not only disband but disarm the two parties, while leaving open the legal questions arising out of Chief Justice Chambers' decision. In so doing we ran a considerable risk of issuing an order which might be disobeyed, but we were led to believe that the natives would probably be ready to give up their guns in return for a fair compensation.

We received both Chiefs a few days after our arrival. Malietoa behaved with perfect propriety, and visited the Commission as instructed, accompanied by only a few Chiefs and in a boat flying the flags of the three Powers. Mataafa, however, declined to acquiesce in this arrangement, or to use the boat sent to meet him, and was very improperly allowed to come to Apia in his own war canoe, with a following of more than 100 men. The substance of both interviews was the same. The two high Chiefs were asked whether they would give up their arms to the Commission, whether they would accept as King any person named by the Commission, and whether they would assent to the abolition of the Kingship, if it were ordered. They returned an affirmative answer to all these questions.

As the troops of Mataafa were encamped both to the east and west of the Malietoa lines, and communication between the two divisions could only take place by sea, we thought it fair to allow him some days to collect his arms, and finally arranged to receive them at Malua on the 31st May.

Malietoa was informed that if Mataafa gave up his arms in a satisfactory manner, the other side would also be expected to immediately disarm.

On the 31st May we proceeded to Malua on the "Badger." Mataafa brought off about 1,800 guns in boats, but no ammunition to speak of. This number probably represented about two-thirds of the arms in the possession of his followers, and was thought to indicate a *bonâ fide* desire to obey the Commission. He was directed to disband his troops, and retire himself to his own district of Aleipata and await our decision respecting the Kingship. The Commission then returned to Apia, which was not reached until late in the afternoon of the 31st May, and during that night and the next day received about 1,300 guns from Malietoa. Of the 700 guns distributed to

native troops by the British officers, 600 were returned, but 100 men of "Gaunt's Brigade" were retained under arms to act as a police force under the orders of the Commission. It was understood that the arms surrendered before the 20th June would be returned on the restoration of peace, or else a fair compensation be given for them; but the possession of arms by Samoans after the 20th June was declared to be a penal offence.

The followers of Mataafa dispersed over the island in the first days of June, but Malietoa and some of his Chiefs were allowed to remain at Mulinuu, the traditional seat of government. Malietoa and Tamasese had both lived long in this place, and it might fairly be regarded as their home, and there was a better chance of avoiding collisions and quarrels if the leaders of the two parties did not return to their villages simultaneously. Those adherents of Malietoa, however, who came from the islands of Tutuila and Savaii were immediately taken back to their homes by ships of war.

The Commission then proceeded to consider the question of the Kingship. We were unanimous on two points, first, that the decision of the Chief Justice naming Tanu King was legally irreversible; and, secondly, that the Kingship should be abolished. It is admitted that the Chief Justice had jurisdiction in the case, and that there is no appeal from his decision. If so, the argument that the decision was wrong or contrary to the customs of Samoa is irrelevant, even if it were true. If the public had a right to disobey this decision, they would have on the same principle the right to disobey all other decisions, and the Judgments of the Supreme Court would have neither authority nor finality. With regard to the Kingship, we were of opinion that the office had never been anything but a source of trouble and contention, seeing that for many years no Samoan Monarch had been able to command the allegiance of the whole population and exercise the most ordinary functions of Government, while the peculiar native customs which regulate the election of a King render an appeal to arms almost inevitable, despite all Treaty stipulations to the contrary.

I was myself of opinion that it would have been well to recognize Tanu provisionally as King, and refer the question of the abolition of the Kingship to the Powers together with the other recommendations of the Commission. This course would have had the advantage of teaching respect for law and of making the natives understand that judicial decisions must be obeyed even if distasteful to a part of the population. Further, it may be safely said that had Tanu been recognized by the Representatives of the three Powers as King *de facto*, the strength of the Mataafa party would have been broken. The most important Chiefs were ready to give their adhesion to the winning side, and the others would have acquiesced. The German Commissioner, however, while admitting that the Chief Justice's decision was valid and binding, felt unable to allow Tanu to exercise even nominal authority for a limited period. Actuated in this, as in many other cases, by a desire to assent to any compromise which would be acceptable to Baron Sternburg without a sacrifice of principle, I agreed that the Commission should publicly acknowledge the validity of Mr. Chambers' decision and by implication the impropriety of resisting it, but that simultaneously with the publication of this Proclamation Tanu should abdicate. This involved no personal hardship to Tanu. He is not ambitious, and was known to wish to retire and complete his education in Australia. He signed an act of abdication and also visited the Commissioners as legal King of Samoa, and informed them verbally of his intention to resign.

A Proclamation was issued on the 10th June, signed by the three Commissioners, stating that Chief Justice Chambers' decision was valid and binding, that Tanu had resigned the office of King, and that the office was abolished. It further ordered that, during the period of the Commissioners' stay in the islands, the Consuls of the three Powers should perform the duties of the King and his Councillors, and Dr. Solf act as President of the Municipal Council. This latter provision was necessary, because the President is nominated by the Powers, but appointed by the Samoan Government, and Dr. Solf had refused to accept any appointment from the Government of Tanu.

About the middle of June a lawyer, engaged by the Mataafa party, arrived in Apia, nominally for the object of assisting them to make out claims for damages sustained during the recent disturbances. A number of Mataafa Chiefs came to Apia to consult him, and several white men were present at the conferences. Though it is difficult to dispute the right of natives to seek legal advice if they choose, these proceedings had a most unfortunate result, as they gave rise to an impression that the Mataafa faction was organizing and consolidating itself, whereas the Commission were anxious to do away with party distinctions. The Malietoa Chiefs became alarmed, and Tanu, who had wished to leave at once for Fiji on his way to Sydney, wrote to us renouncing his intention and saying that he intended to remain in Samoa

till peace should be assured. We were of opinion that the presence of so many Chiefs of both parties in Apia was dangerous. Efforts were made to remove the Mataafa Chiefs from the town, and Tanu and the Malietoa Chiefs were ordered to leave Mulinuu and retire to their private residences. Before their departure a meeting was held on board the "Badger," at which the principal men of the two parties were reconciled to one another by various Samoan ceremonies. Tanu and Tamasese expressed their readiness to meet Mataafa and become reconciled with him, and we accordingly invited him to come to Apia for this purpose. But he sent back an arrogant answer and refused.

On the 22nd June we left for the Island of Tutuila, where we visited Leone Bay and Pango Pango, returning to Apia on the 26th June. From this time until the 5th July we were chiefly occupied in discussing and drafting the recommendations for the future government of the islands, which we have had the honour to submit to the three Treaty Powers. This occupation was somewhat disturbed by conflicts which occurred in villages of mixed population where the Malietoa men, returning from Mulinuu, were assaulted by the other party. One of these outbreaks (at Safata) threatened to assume a serious character, as several men were killed, and we thought it desirable to send both a German and a British man-of-war to nip the trouble in the bud. Order was restored, and the natives found in possession of arms were brought to Apia for trial.

On the 5th July we started on the steamer "Tutanekai," which the New Zealand Government had courteously placed at our disposal, for a trip round the Islands of Upolu and Savaii. Our object was partly to familiarize ourselves with the local conditions of the various districts, and partly to disseminate among the natives accurate information as to our doings and intentions, which were often misrepresented. Our tour lasted until the 12th July. On the 14th July we held a large fono, or public assembly, at Mulinuu, at which over 400 natives of both parties were present. We read to them a statement describing the system of native self-government which we proposed to introduce, if approved by the Powers. It was accepted by the whole meeting and the next day thirteen Chiefs from each side signed a formal declaration of acceptance. Tanu and Tamasese also affixed their signatures but Mataafa declined to appear on the pretext of ill-health. He may be held to be bound by the signatures of his Chiefs, but his repeated refusal to meet the other party and make peace inspires the gravest apprehensions for the future. We addressed a letter to him reminding him that his further stay in Samoa depended on the observance of the promises which he had made before returning.

We had now finished the greater part of our task. We had put an end to the state of war and restored relative, if not absolute, tranquillity and order. We had also prepared the recommendations to be submitted to the three Powers. But there was some difference of opinion as to whether we ought to continue to administer the provisional government of the islands, at least until the receipt of instructions, or to leave at once. The American Commissioner decided the matter by stating that for health and other private reasons he could remain no longer, and we had therefore to consider what form of government we should leave behind us. We were all of opinion that it would have been desirable to appoint some one head for this provisional Administration, but, as no qualified neutral candidate was forthcoming, we were unable to find any expedient which would safeguard the interests of the three Powers in Samoa except government by a Consular Board. This system is by no means satisfactory, but we endeavoured to impart to it greater strength, activity and coherency, firstly, by authorizing a majority of the Consuls to decide in most cases, and, secondly, by providing for the establishment of regular Government offices and a clerical staff. Dr. Solf was continued in his appointment as President of the Municipal Council, and the United States' Consul-General was appointed Acting Chief Justice, in the absence of Mr. Chambers, who departed on leave on the 14th July.

The Commission left Apia on the 18th July.

I have, &c.

(Signed) C. N. E. ELIOT.

APPENDIX.

Final Act of the Conference on the Affairs of Samoa.—Signed at Berlin, June 14, 1889.
(*Ratifications deposited at Berlin, April* 12, 1890.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, the President of the United States of America;

Wishing to provide for the security of the life, property, and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with, the Islands of Samoa; and desirous, at the same time, to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these islands, have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of their Plenipotentiaries which was begun in Washington on the 25th June, 1887; and have named for their present Plenipotentiaries the following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia; Charles Stewart Scott, Esq., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; Joseph Archer Crowe, Esq., Her Majesty's Commercial Attaché for Europe;

His Majesty the Emperor of Germany, King of Prussia, Count Bismarck, Minister of State, Secretary of State for Foreign Affairs; Baron von Holstein, Actual Privy Councillor of Legation; Dr. Krauel, Privy Councillor of Legation;

The President of the United States of America, Mr. John A. Kasson; Mr. William Walter Phelps; Mr. George H. Bates;

Who, furnished with full powers which have been found in good and due form, have successively considered and adopted:—

1. A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.
2. A Declaration respecting the modification of existing Treaties, and the assent of the Samoan Government to this Act.
3. A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.
4. A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto, and for the registration of valid titles.
5. A Declaration respecting the Municipal District of Apia, providing a local Administration therefor, and defining the jurisdiction of the Municipal Magistrate.
6. A Declaration respecting taxation and revenue in Samoa.
7. A Declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.
8. General dispositions.

ARTICLE I.—*A Declaration respecting the Independence and Neutrality of the Islands of Samoa, and assuring to the respective Citizens and Subjects of the Signatory Powers Equality of Rights in said Islands; and providing for the immediate restoration of Peace and Order therein.*

It is declared that the Islands of Samoa are neutral property, in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. The three Powers recognize the independence of the Samoan Government, and the free right of the natives to elect their Chief or King, and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July, 1881, and was so recognized by the three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ARTICLE II.—*A Declaration respecting the Modification of existing Treaties, and the Assent of the Samoan Government to this Act.*

Considering that the following provisions of this General Act cannot be fully effective without a modification of certain provisions of the Treaties heretofore existing between the three

Powers respectively, and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such Treaty or Treaties, the provisions of this Act shall prevail.

Considering, further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the three Governments through the medium of their respective Consuls in Samoa.

ARTICLE III.—*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.*

Section 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees to be regulated by order of the Court.

Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination, as herein provided. He shall receive an annual salary of 6,000 dollars in gold, or its equivalent, to be paid the first year in equal proportions by the three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council until a successor shall be duly appointed and qualified.

Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the majority of the three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act, and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Sec. 5. The Chief Justice is authorized, at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King, or of any other Chief claiming authority over the islands; or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

Sec. 7. In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the Municipal District, and for the collection of taxes without the district.

Sec. 9. Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction—

(1.) All civil suits concerning real property situated in Samoa, and all rights affecting the same.

(2.) All civil suits of any kind between natives and foreigners or between foreigners of different nationalities.

(3.) All crimes and offences committed by natives against foreigners, or committed by such foreigners as are not subject to any Consular jurisdiction, subject, however, to the provisions of section 4, Article V, defining the jurisdiction of the Municipal Magistrate of the District of Apia.

Sec. 10. The practice and procedure of common law, equity, and Admiralty, as administered in the Courts of England, may be, so far as applicable, the practice and procedure of this Court, but the Court may modify such practice and procedure from time to time as shall be required by

local circumstances. The Court shall have authority to impose, according to the crime, he punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate, or, in the case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

Sec. 11. Nothing in this Article shall be so construed as to affect existing Consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

ARTICLE IV.—*A Declaration respecting Titles to Land in Samoa, and restraining the disposition thereof by Natives; and providing for the investigation of Claims thereto, and for the registration of valid Titles.*

Section 1. In order that the Native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise shall be prohibited, subject to the following exceptions:—

(*a.*) Town lots and lands within the limits of the Municipal District, as defined in this Act, may be sold or leased by the owner for a just consideration, when approved in writing by the Chief Justice of Samoa.

(*b.*) Agricultural lands in the islands may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty years, when such lease is approved by the Chief Executive Authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

Sec. 2. In order to adjust and settle all claims by aliens of titles to land, or any interest therein, in the Islands of Samoa, it is declared that a Commission shall be appointed, to consist of three impartial and competent persons, one to be named by each of the three Treaty Powers, to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of 300 dollars per month, and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice), shall also be paid, one-third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice, for the purpose of examination and registration; and that all claims not so presented will be held invalid, and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This Notice shall be published in Samoa in the German, English, and Samoan languages, as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report—

(*a.*) Whether the sale or disposition was made by the rightful owner or native entitled to make it.

(*b.*) Whether it was for a sufficient consideration.

(*c.*) The identification of the property affected by such sale or disposition.

Sec. 5. The Commission, whenever the case requires it, shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized, and registered, or rejected, in whole or in part, as the case may require.

Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the Islands of Samoa which are or may be owned by foreigners.

Sec. 8. All lands acquired before the 28th day of August, 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired—but without prejudice to rights of

third parties—if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Sec. 10. In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum, to be ascertained by the Commission and approved by the Court as equitable and just.

Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

(*a.*) Claims based upon mere promises to sell, or options to buy.

(*b.*) Where the deed, mortgage, or other conveyance contained, at the time it was signed, no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

(*c.*) Where no consideration is expressed in the conveyance, or if expressed, has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

(*d.*) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of fire-arms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan Law of the 25th October, 1880, or contrary to the Municipal Regulations of the 1st January, 1880.

Sec. 12. The Land Commission may at its discretion, through the Local Government of the district in which the disputed land is situated, appoint a Native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission to be by them reported to the Court.

ARTICLE V.—*A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor, and defining the Jurisdiction of the Municipal Magistrate.*

Section 1. The Municipal District of Apia is defined as follows: beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa, thence following the course of the river upwards to the point at which the Alafuala road crosses said river, thence following the line of said road to the point where it reaches the River Vaisinago, and thence in a straight line to the point of beginning at Vailoa, embracing also the waters of the Harbour of Apia.

Sec. 2. Within the aforesaid district shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said district, and owner of real estate, or conductor of a profession or business in said district which is subject to a rate or tax not less in amount than 5 dollars per annum.

For the purpose of the election of members of the Council, the said district shall be divided into two, or three, electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the Consular Representatives of the three Treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by Municipal Ordinance.

The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman *pro tempore*.

Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said district, including the appointment of a Municipal Magistrate, and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said district of person and property, for the assessment and collection of the revenues therein as herein authorized; and to provide proper fines and penalties for the violation of the Laws and Ordinances which shall be in force in said district and not in conflict with this Act, including Sanitary and Police Regulations. They shall establish pilot charges, port dues, Quarantine and other Regulations of the port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate, and establish the fees and charges allowed to other civil officers of the district, excepting Clerk and Marshal of the Supreme Court.

All Ordinances, Resolutions, and Regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as

a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the Regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the Regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any Law, Ordinance, or Regulation passed by the Municipal Council, in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of 200 dollars, or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of 20 dollars, or a term of ten days' imprisonment, an appeal may be taken to the Supreme Court.

Sec. 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by the Chief Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order, and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of 5,000 dollars, to be paid the first year in equal shares by the three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the receiver and custodian of the revenues accruing under the provisions of this Act, and shall render quarterly Reports of his receipts and disbursement to the King, and to the Municipal Council.

He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the Laws and Ordinances applicable to the Municipal District of Apia.

Sec. 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the Local Government of the Municipal District, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath, or affirmation, that he will well and faithfully perform the duties of his office.

ARTICLE VI.—*A Declaration respecting Taxation and Revenue in Samoa.*

Section 1. The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandize landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by Treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such Treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the Native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and with the consent of the Consuls of the Signatory Powers upon all property outside the Municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners:—

		Dol. c.
(A.)—IMPORT DUTIES.		
1. On ale and porter and beer	Per doz. quarts ..	0 50
2. On spirits	Per gallon ..	2 50
3. On wine, except sparkling	„ ..	1 00
4. On sparkling wines	„ ..	1 50
5. On tobacco	Per lb. ..	0 50
6. On cigars	„ ..	1 00
7. On sporting arms	Each	4 00
8. On gunpowder	Per lb. ..	0 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid	*Ad valorem* ..	2 per cent.
(B.)—EXPORT DUTIES.		
On copra	„ ..	2½ „
On cotton	„ ..	1½ „
On coffee	„ ..	2 „

		Dol. c.
(C.)—Taxes to be annually Levied.		
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2	Per head	1 00
2. Capitation tax on coloured plantation labourers, other than Samoans	„	2 00
3. On boats, trading and other (excluding native canoes and native boats carrying only the owner's property	Each	4 00
4. On fire-arms	„	2 00
5. On dwelling-houses (not including the dwelling-houses of Samoan natives) and on land and houses used for commercial purposes	*Ad valorem*	1 per cent.
6. Special taxes on traders as follows—		
Class I— On stores of which the monthly sales are 2,000 dollars or more	Each store	100 00
Class II— Below 2,000 dollars and not less than 1,000 dollars	„	48 00
Class III— Below 1,000 dollars and not less than 500 dollars	„	36 00
Class IV— Below 500 dollars and not less than 250 dollars	„	24 00
Class V— Below 250 dollars	„	12 00
(D.)—Occasional Taxes.		
1. On trading-vessels exceeding 100 tons burden, calling at Apia, at each call		10 00
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid		½ per cent.
3. Upon other written transfers of property, upon the selling price		1 „
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title-paper, or otherwise by the written receipt of the proper tax collector.		
4. Unlicensed butchers in Apia shall pay upon their sales		1 per cent.
(E.)—Licence Taxes.		
No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a licence therefor, and for such licence the following tax shall be paid in advance:—		
Tavern-keeper	Per month	10 00
Attorney, barrister, or solicitor	Per annum	60 00
Doctor of medicine or dentistry	„	30 00
Auctioneer or commission agent	„	40 00
Baker	„	12 00
Banks or companies for banking	„	60 00
Barber	„	8 00
Blacksmith	„	5 00
Boat-builder	„	6 00
Butcher	„	12 00
Cargo-boat or lighter	„	6 00
Carpenter	„	6 00
Photographer or artist	„	12 00
Engineer	„	12 00
„ assistants	„	6 00
„ apprentices	„	3 00
Hawker	„	1 00
Pilot	„	24 00
Printing press	„	12 00
Sail-maker	„	6 00
Ship-builder	„	6 00
Shoemaker	„	6 00
Land surveyor	„	6 00
Tailor	„	6 00
Waterman	„	6 00
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month	„	3 00
Same, when paid over 75 dollars a-month	„	6 00
White labourers and domestics, per head	„	5 00
Factory hands and independent workmen	„	5 00

Sec. 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration as provided by this Act.

Sec. 4. It is understood that "dollars" and "cents," terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

ARTICLE VII.—*A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.*

Section 1.—*Arms and Ammunition.*

The importations into the Islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited, except in the following cases:—

(*a.*) Guns and ammunition for sporting purposes, for which written licence shall have been previously obtained from the President of the Municipal Council.

(*b.*) Small-arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreign to any native Samoan subject or other Pacific Islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs (without payment of duty), and reported by the President of the Municipal Council to the Consuls of the three Treaty Powers.

The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa.

Section 2.—*Intoxicating Liquors.*

No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any native Samoan or South Sea Islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the islands.

ARTICLE VIII.—*General Dispositions.*

Sec. 1. The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power, after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers with the adherence of Samoa.

Sec. 2. The present General Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime, the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King, and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

Done in triplicate at Berlin, this 14th day of June, 1889.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.
JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.

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on 31 October, 2019

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CORRESPONDENCE respecting the Affairs of Samoa.

Report of the Joint Commission.

Presented to both Houses of Parliament by Command of Her Majesty. October 1899.

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